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Attorneys for Defendant Discover Products, Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

**Lawrence James Saccato,**

Case No. 11-CV-03002-HO

Plaintiff,

vs.

DEFENDANT DISCOVER PRODUCTS,  
INC.'S MOTION TO DISMISS AMENDED  
COMPLAINT

**Zwicker & Associates; Discover Financial  
Services; and Does 1 through 10,**

Pursuant to Fed. R. Civ. P. 12(b)(6)

Defendants.

ORAL ARGUMENT REQUESTED

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**LR 7-1(a) CERTIFICATION**

Counsel for defendant Discover Products, Inc. (incorrectly named in the First Amended Complaint as Discover Financial Services) ("Discover"), certifies that he conferred in good faith with plaintiff Lawrence James Saccato through personal telephone conference on July 28, 2011, before filing this motion, and that the parties were unable to resolve this dispute.

**MOTION**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Discover moves to dismiss Amended Complaint for failure to state a claim upon which relief can be granted.

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In support of this motion, Discover relies upon the Memorandum in Support of its Motion to Dismiss Amended Complaint, submitted concurrently herewith.

DATED: July 29, 2011

LANE POWELL PC

By B.T. Kiolbasa  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 29, 2011, I caused to be served a copy of the foregoing DISCOVER PRODUCTS, INC.'S MOTION TO DISMISS AMENDED COMPLAINT PURSUANT TO FED. R. CIV P. 12(B)(6) on the following person(s) in the manner indicated below at the following address(es):

Lawrence James Saccato  
Pro Se  
6387 Old Hwy 99S  
Roseburg, OR 97471

- ☒ by **CM/ECF**
- ☐ by **Electronic Mail**
- ☐ by **Facsimile Transmission**
- ☒ by **First Class Mail**
- ☐ by **Hand Delivery**
- ☐ by **Overnight Delivery**

  
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Brian T. Kiolbasa

CERTIFICATE OF SERVICE